

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., et al.,	:	
	:	
Plaintiffs,	:	Case No. 21-cv-4106 (AMD) (JAM)
	:	
v.	:	
	:	
SAFE CHAIN SOLUTIONS, LLC, et al.,	:	
	:	
Defendants.	:	

**STIPULATION AND [PROPOSED] ORDER MODIFYING
THE ASSET FREEZE AS TO DEFENDANTS MOHAMMAD ETMINAN AND
EVERYTHING PHARMACY RELATED II, INC. D/B/A/ TOTAL REMEDY AND
PRESCRIPTION CENTER**

WHEREAS, on July 23, 2021, Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together “Gilead”) filed an action captioned *Gilead Sciences, Inc., et al. v. Safe Chain Solutions, LLC, et al.*, No. 21-cv-04106-AMD-RER in the United States District Court for the Eastern District of New York (the “Court”) against certain defendants (“the Action”);

WHEREAS, on August 11, 2022, Gilead filed its Fourth Amended Complaint in the Action asserting claims against Mohammad Etminan and Everything Pharmacy Related II, Inc. d/b/a/ Total Remedy and Prescription Center (together, the “Total Remedy Defendants”);

WHEREAS, on August 11, 2022, the Court entered an *Ex Parte* Asset Freeze Order and Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction against, inter alia, the Total Remedy Defendants (Dkt. Nos. 627, 628);

WHEREAS, on September 16, 2022, the Total Remedy Defendants answered the Fourth Amended Complaint (Dkt. No. 768);

WHEREAS, on October 15, 2024, the Court so-ordered the stipulation between Gilead and the Total Remedy Defendants modifying the Asset Freeze Order (Dkt. No. 1498);

WHEREAS, on October 31, 2024, the Court so-ordered the stipulation between Gilead and the Total Remedy Defendants modifying the Asset Freeze Order (Dkt. No. 1510);

WHEREAS, Gilead contends that the Total Remedy Defendants are liable for actual damages based on a strict liability theory of trademark infringement;

WHEREAS, the Total Remedy Defendants dispute Gilead's claims and allegations, and the Total Remedy Defendants do not admit any wrongdoing;

WHEREAS, Gilead and the Total Remedy Defendants have reached an agreement to resolve the Action;

NOW THEREFORE, UPON THE STIPULATION AND AGREEMENT by and between the undersigned counsel for Gilead and the Total Remedy Defendants, it is hereby ORDERED that:

1. The Court's August 11, 2022 Asset Freeze Order, is hereby further MODIFIED as to the Total Remedy Defendants as follows:

- a. Any bank, brokerage house, or financial institution holding frozen assets under the Asset Freeze Order shall continue to hold such assets except as set forth in this Order.
- b. Counsel for Gilead or the Total Remedy Defendants may immediately serve this Order upon Wells Fargo.
- c. Within three business days after receipt of this Order, Wells Fargo shall deposit all funds from the frozen account ending in 9202 (account holder Mohammad Etminan) into the Patterson Belknap Webb & Tyler LLP Attorney Trust Account. Such deposit or payment to the Patterson Belknap

Webb & Tyler LLP Attorney Trust Account shall be made by either wire transfer or bank check.

- d. For payments made by wire transfer, the wiring information for the Patterson Belknap Webb & Tyler LLP Attorney Trust Account is:

Bank: Citibank Private Banking Division
153 East 53rd Street
New York, NY 10022

ABA#: 021000089

Swift#: CITIUS33 (needed for international wires)

Account#: 54371288

A/C Name: Patterson Belknap Webb & Tyler LLP
Attorney Trust Account-IOLA

- e. For payments made by bank check, the bank check shall be made out to Patterson Belknap Webb & Tyler LLP Attorney Trust Account and sent via overnight delivery to Patterson Belknap Webb & Tyler LLP, Attn: George Soussou, 1133 Avenue of the Americas, New York, NY 10036.
- f. Immediately upon issuance of funds to the Patterson Belknap Webb & Tyler LLP Attorney Trust Account, Wells Fargo shall provide digital scans of the checks or digital confirmation of wire transfer, along with written confirmation that they have complied with this Order, by electronic mail to counsel for Gilead at gsoussou@pbwt.com and CounterfeitMedications@pbwt.com, and counsel for the Total Remedy Defendants at matt@jacobsfirm.com.

2. Except to the extent inconsistent with this Order, the provisions of the Court's Asset Freeze Order shall remain in full force effect.

3. Signatures transmitted electronically or by facsimile shall be deemed original.

Dated: December 16, 2024

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER LLP

THE JACOBS LAW FIRM, P.C.

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II, Inc., d/b/a/ Total Remedy and
Prescription Center*

IT IS SO ORDERED

s/Ann M. Donnelly

HON. ANN M. DONNELLY, U.S.D.J.

Dated: December 17, 2024